

In The United States Court of Federal Claims

No. 07-359C

(Filed: November 22, 2011)

SERAPHIM TRANSPORT CO.,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

ORDER

On July 13, 2011, plaintiff filed a motion to take the deposition of Derrick Shoemake out of time. On August 2, 2011, defendant filed its response, in which it indicated it did not oppose the deposition out of time, but could not force Mr. Shoemake to waive his Fifth Amendment right against self-incrimination. The parties have indicated that dispositive motions may proceed without Mr. Shoemake's testimony. Accordingly, the motion is hereby **DENIED** without prejudice.

IT IS SO ORDERED.

s/ Francis M. Allegra

Francis M. Allegra

Judge